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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,056	03/31/2004	Niniane Wang	24207-10082	5718

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EXAMINER

DAYE, CHELCIE L

ART UNIT	PAPER NUMBER
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2161

MAIL DATE	DELIVERY MODE
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02/25/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<i>Office Action Summary</i>	Application No.	Applicant(s)	
	10/814,056	WANG ET AL.	
	Examiner	Art Unit	
	CHELICIE DAYE	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2009.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-8,11-13,15-22,24,26-33 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4, 6-8, 11-13, 15-22, 24, 26-33, and 35-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to applicant's RCE filed January 5, 2009.
2. Claims 1-2, 4, 6-9, 11-13, 15-22, 24, 26-33, and 35-37 are presented. No claim added and claims 3, 5, 9, 10, 14, 23, 25, and 34 are cancelled.
3. Claims 1-2, 4, 6-8, 11-13, 15-22, 24, 26-33, and 35-37 are pending.
4. Applicant's arguments filed January 5, 2009, have been fully considered but they are not persuasive.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 5, 2009 has been entered.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2161

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 4, 6-8, 11, 15-22, 24, 26-31, and 35-37, are rejected under 35

U.S.C. 103(a) as being unpatentable over Travis (US Patent Application No.

20040215607) filed April 25, 2003, in view of Denny (US Patent No. 7,082,428) filed

September 16, 2002.

Regarding Claims 1 and 21, Travis discloses a method comprising:

receiving a current search query ([0022], Travis);

providing a content display comprising a second article identifier (Fig.2A; [0026], Travis)¹. However, Travis is not as detailed with respect to comparing the current search query to a previous search query. On the other hand, Denny discloses comparing the current search query to a previous search query (Abstract, Denny). Travis and Denny are analogous art because they are from the same field of endeavor of searching large massive information networks. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Denny's teachings into the Travis system. A skilled artisan would have been motivated to combine in order to provide a search system, which requires the appropriate amount of bandwidth that is necessary along with a more flexible back-end process. Therefore, the combination of Travis in view of Denny, disclose responsive at least in part to the current search

query and the previous search query differing by more than a predetermined amount, executing the current search query to obtain a current search result, the current search result comprising a first article identifier; displaying the current search result in the content display as the result of the current search query (column 5, lines 3-22; column 6, lines 52-54 and 63-64, Denny); and responsive at least in part to the current search query and the previous search query not differing by more than the predetermined amount, displaying, in the content display as the results of the current search query, without executing the previous search query and without executing the current search query, a previous search result associated with the previous search query (column 5, lines 7-10 and 32-34; column 6, lines 48-51 and 58-62, Denny)².

Regarding Claims 2 and 22, the combination of Travis in view of Denny, disclose the method wherein the first article identifier comprises a first relevancy measure, and the second article identifier comprises a second relevancy measure (Fig.2A; [0026], lines 8-14, Travis)³.

¹ Examiner Notes: Fig.2A, the second results 260-2 represent the second article identifier.

² Examiner Notes: Since the queries share 90% of the keywords, than the do not differ by more than a predetermined amount. Also, the current query is evaluated (in order to check for comparisons) but the query is never executed, since the queries are similar there is no need. Thus, the whole point of Denny's invention is to determine similar queries in order to not perform a new search which reduces bandwidth and produces faster processing times (see col.2, lines 52-67).

³ Examiner Notes: Fig.2A, item 268 corresponds to the first relevancy measure and item 274 corresponds to the second relevancy measure.

Regarding Claims 4 and 24, the combination of Travis in view of Denny, disclose the method further comprising updating the content display responsive at least in part to the first relevancy measure exceeding the second relevancy measure ([0029], Travis).

Regarding Claims 6 and 26, the combination of Travis in view of Denny, disclose the method wherein the predetermined amount is expressed as a percentage (column 5, lines 7-10, Denny).

Regarding Claims 7 and 27, the combination of Travis in view of Denny, disclose the method wherein the predetermined amount is expressed as a number of query terms (column 5, lines 10-20, Denny).

Regarding Claims 8 and 28, the combination of Travis in view of Denny, disclose the method wherein the predetermined amount is expressed as a specified percentage of terms in the current search query (column 5, lines 7-10, Denny).

Regarding Claims 9 and 29, the combination of Travis in view of Denny, disclose the method further comprising updating the content display responsive at least in part to an outcome of a comparison between the first article identifier to the second article identifier ([0029], Travis).

Regarding Claim 30, the combination of Travis in view of Denny, disclose the method wherein the outcome is that the first article identifier and the second article identifier are different ([0029], Travis).

Regarding Claims 11 and 31, the combination of Travis in view of Denny, disclose the method further comprising updating the content display responsive at least in part to an outcome of monitoring a mouse pointer associated with the content display ([0025], Travis).

Regarding Claims 15 and 35, the combination of Travis in view of Denny, disclose the method wherein updating the content display comprises replacing the first article identifier with the second article identifier ([0027], Travis).

Regarding Claims 16 and 36, the combination of Travis in view of Denny, disclose the method wherein the first article identifier comprises a first plurality of article identifiers and the second article identifier comprises a second plurality of article identifiers and further comprising replacing the second plurality of article identifiers with the first plurality of article identifiers (Fig.2A; [0027], Travis).

Regarding Claims 17 and 37, the combination of Travis in view of Denny, disclose the method wherein the first article identifier comprises a first plurality of

article identifiers and the second article identifier comprises a second plurality of article identifiers and further comprising merging the first plurality of article identifiers with the second plurality of article identifiers (Fig.2A; [0029], lines 1-4, Travis).

Regarding Claims 18-20, the combination of Travis in view of Denny, disclose the method wherein the index comprises a global index ([0055], Travis) and a local index ([0003], lines 1-9, Travis).

8. Claims 12-13 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis (US Patent Application No. 20040215607) filed April 25, 2003, in view of Denny (US Patent No. 7,082,428) filed September 16, 2002, and further in view of Petropoulos (US Patent No. 7,047,502) filed September 24, 2001.

Regarding Claims 12 and 32, the combination of Travis in view of Denny, disclose all of the claimed subject matter as stated above. However, the combination of Travis in view of Denny, are silent with respect to the mouse pointer not active in the content display. On the other hand, Petropoulos discloses the mouse pointer not active in the content display (column 7, lines 23-41, Petropoulos). Travis, Denny, and Petropoulos are analogous art because they are from the same field of endeavor of webpage searching on the Internet or Intranet. It would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate Petropoulos' teachings into the Travis and Denny system. A skilled artisan would have been motivated to combine as suggested by Petropoulos at column 2, lines 54-62, in order to provide preview information, which contains relevant information in the results list. As a result, improving the efficiency of analyzing search results and using the data gathered to refine and improve the search process.

Regarding Claims 13 and 33, the combination of Travis in view of Denny, and further in view of Petropoulos, disclose the method wherein the outcome is that the mouse pointer is not approaching the content display (column 7, lines 57-62, Petropoulos).

Response to Arguments

Applicant argues, Denny does not teach the newly amended "responsive at least in part to the current search query and the previous search query not differing by more than the predetermined amount, displaying, in the content display as the results of the current search query, without executing the previous search query and without executing the current search query, a previous search result associated with the previous search query".

Examiner respectfully disagrees. In particular, the applicant argues that Denny evaluates the query in any case and returns results depending on whether the query is sufficiently similar to a previous query. The examiner points out the fact that the claim language focuses on not executing the current and previous search queries, however,

Denny teaches 'evaluating' the current search query, which the examiner does not deem to be the same as executing. The query of Denny may be evaluated in order to check for comparisons, but the query may never be executed if the current query is deemed to be substantially similar to a previous query. As a matter of fact, Denny specifically states that if the queries are not substantially similar than the query is submitted/executed (see col.4, lines 48-50 and col.5, lines 3-5). The invention/purpose of Denny is to be able to take a substantially similar query to the one presently entered and the entire process is completed without performing a new search of the information (see col.2, lines 52-67).

Applicant argues, Petropoulos does not disclose the claimed "omitting" and "displaying" as cited within the claims.

Examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., omitting) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993). Mainly, the applicant themselves have admitted that the examiner never alleged that Petropoulos taught the above argued features. Therefore, the applicant's arguments are irrelevant.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHELCIE DAYE whose telephone number is (571)272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
Patent Examiner
Technology Center 2100
February 22, 2009

/Etienne P LeRoux/
Primary Examiner, Art Unit 2161